

**Enrolled Minutes of the Eighty-third Regular or Special Meeting  
Of the Twenty-Sixth Highland Town Council  
Special Meeting  
Monday May 16, 2011**

*Special Meeting.* The Twenty Sixth Town Council of the Town of Highland, Lake County, Indiana met in its special session on Monday, May 16, 2011 at 7:00 O'clock p.m. in the regular place, the plenary meeting chambers of the Highland Municipal Building, 3333 Ridge Road, Highland, Indiana.

The Town Council President Brian J. Novak presided and the Town Clerk-Treasurer, Michael W. Griffin, was present to memorialize the proceedings.

The session was opened with Councilor Bernie Zemen leading the pledge of allegiance to the United States Flag and offering a prayer.

**Roll Call:** Councilors Bernie Zemen, Mark A. Herak, Konnie Kuiper and Brian Novak were present. Councilor Dan Vassar was absent. The Town Clerk-Treasurer, Michael W. Griffin was present to memorialize the proceedings. A quorum was attained.

**Additional Officials Present:** John M. Bach, Public Works Director was also present.

*Also present:* Robin Carlascio, of Idea Factory, Editor of the Town Monthly Newsletter was present.

**Special Orders:**

**Unfinished Business and General Orders:**

1. **Public Hearing:** Public Comments for Proposed Uses of Community Development Block Grant Allocation for Fiscal Year 2011, approximately set for \$113,350.00.
  - (a) *Verification of the Proofs of Publication.* TIMES: 06 May 2011. The Town Council President noted that he had spoken with the Town Attorney earlier in the day. The Town Attorney has reviewed the proof and found them to be in order pursuant to IC 5-3-1.
  - (b) **Public Hearing and Comment.** The Town Council President called upon the Public Works Director to offer an overview of the program, and called the public hearing to order. The Public Works Director indicated that this hearing was aligned with Highland's participation in the Urban County Program of the Department of Housing and Urban Development, as managed in our region by the Lake County Community Development Department. It was noted that before the County Department could apply to the Federal Government for funding for a project, which must serve low to moderate income residents, a public hearing must be conducted by the locality. It was noted that the Town of Highland was entitled to receive \$113,350 for the fiscal year to be funded.

The Public Works Director also indicated that apart from whatever may be raised during the public hearing that may suggest another way, he would recommend that the resurfacing in the Wicker Park Manor neighborhood be the proposed project for funding.

There were no comments written or spoken. The hearing was closed.

- (c) **Resolution No. 2011-17:** A Resolution Authorizing and Directing the Town Council President of the Town of Highland to Submit a project Proposal for Urban County Community Development Block Grant Fund for Federal Fiscal Year 2011.

Councilor Herak moved the passage and adoption of Resolution No. 2011-17. Councilor Zemen seconded. Upon a roll call vote, there were four affirmatives and no negatives. The motion passed. The resolution was adopted.

**TOWN of HIGHLAND  
TOWN COUNCIL RESOLUTION NO. 2011-17**

**A RESOLUTION AUTHORIZING and DIRECTING the TOWN COUNCIL PRESIDENT of the TOWN OF HIGHLAND TO SUBMIT A PROJECT PROPOSAL FOR COMMUNITY DEVELOPMENT BLOCK GRANT FUNDS for FEDERAL FISCAL YEAR 2011**

**Whereas**, Under the provisions of Title I of the Housing and Community Development Act of 1974, as amended to date, Lake County, Indiana, is authorized to provide financial assistance to units of general local government for undertaking and carrying out community development activities; and,

**Whereas**, It is provided in such act that the unit of general local government shall provided a satisfactory assurance prior to submission of its application, that it has held one public hearing to obtain the views of citizens on community development needs; and,

**Whereas**, It is desirable and in the public interest that Highland, Indiana, hereinafter called "Town", undertake and carry out community development activities; and,

**Whereas**, The Town is proposing a project for assistance, under the Housing and Community Development Act of 1974, as amended to date, and proposes to undertake and make available a total project cost of \$113,350.00; and,

**Whereas**, The Town has held one formal public hearing on the proposed program and has made available to the general public, through the mass media and other sources, information concerning the program; and,

**Whereas**, The Town has general knowledge of the proposed uses of such funds and is cognizant of the conditions that are imposed in the undertaking and carrying out of community development activities and undertaking with federal financial assistance under Title I, including those prohibiting discrimination because of race, color, creed, sex, or national origin;

**NOW, THEREFORE, BE IT RESOLVED**, by the Town Council of the Town of Highland, Lake County, Indiana:

**Section 1.** That the President of the Highland Town Council is hereby authorized to file a Project Proposal for Funds under Title I of the Housing and Community Development Act of 1974, as amended to date, with Lake County, Indiana and provide all information and assurances as may be necessary under the Act;

**Section 2.** That the Affirmative Action Program associated with this application is hereby approved and the Town Council President is authorized to execute by his signature such documents as may be necessary to support and implement this application;

**PASSED AND ADOPTED** by the Town Council of the Town of Highland, Lake County, Indiana, this 16<sup>th</sup> Day of May 2011. Having passed by a vote of 4 in favor and 0 opposed.

**TOWN COUNCIL of the TOWN of  
HIGHLAND, INDIANA**

Brian J. Novak, President

Attest:

Michael W. Griffin, IAMC/MMC/CPFA  
Clerk-Treasurer

**Exhibits attached**

**Section 3 Understanding**

The U.S. Department of Housing and Urban Development (HUD) issued regulations that provide the directive to creative job opportunities for low-income persons when HUD funds are expended on a construction project. These regulations are known as Section 3 policy. The purpose of the Section 3 policy is to ensure that the employment and other economic opportunities generated by Federal financial assistance for housing and community development programs shall, to the greatest extent feasible, be directed toward low and very low-income persons.

Section 3 covered projects are construction, reconstruction, conversion, or rehabilitation of housing, including reduction and abatement of lead based paint hazards, or other public construction which includes building and improvements assisted with HUD housing and community development assistance. Section 3 covered contracts do not include contracts

for purchase of supplies and materials. However, whenever a contract for materials includes the installation of the materials, the contract constitutes a Section 3 covered event.

Fund recipients and contractors must show compliance with the numerical goals set forth by the regulations. The numerical goals for new hires apply only to the number of new hires generated because of the financial assistance for the HUD programs. The numerical goals are not absolute numerical requirements. They are goals that each recipient and contractor should try to reach. The goals, if not met, do not trigger sanctions against the recipient or contractor. However, if challenged on the issue of compliance with Section 3, the recipient or contractor should be ready to demonstrate that they tried to reach these goals. The goals are as follows:

30% of all covered new hires for the year FY 2011.

In addition, recipients and contractors are required to show compliance with the goal that at least 10% of any building trade activity, which is subcontracted, and 3% of non-building trade activity (construction management, etc.) is awarded to eligible Section 3 business concerns.

Further information regarding these requirements may be found in the Federal Regulations at 24 CFR 135 and the Lake County Section 3 Plan.

I certify that I have read the information above and understand the Section 3. requirements and numerical goals.

Name: \_\_\_\_\_  
                    Brian J. Novak  
Title:           Town Council President  
Date:           16 May 2011

**AFFIRMATIVE ACTION PROGRAM  
IMPLEMENTING SECTION 3 OF THE  
HOUSING AND URBAN DEVELOPMENT ACT OF 1968**

**SPECIFIC AFFIRMATIVE ACTION STEPS**

TOWN OF HIGHLAND agrees to implement the following specific affirmative action steps directed at increasing the utilization of lower income residents and project area businesses.

- A. To ascertain from the HUD Area Office Director the exact boundaries of the Section 3 covered project area and where advantageous, seek the assistance of the local officials of the department in preparing and implementing the affirmative action plan.
- B. To attempt to recruit from the appropriate areas the necessary number of lower income residents through: local advertising media, signs placed at the proposed site for the project, and community organizations and public or private institutions operating within or serving the project area such as Service Employment and Redevelopment (SER), Opportunities Industrialization Center (OIC), Urban League, Concentrated Employment Program, Hometown Plan or the U.S. Employment Service.
- C. To maintain a list of all lower income area residents who have applied either on their own or on referral from any source and to employ such persons, if otherwise eligible and if a vacancy exists.
- D. To insert this affirmative action plan in all bid documents, and to require all bidders to submit a Section 3 affirmative action plan including utilization goals and the specific steps planned to accomplish the goals.
- E. To insure that contracts which are typically let on a negotiated rather than a bid basis in areas other than Section 3 covered project area, are also let on a negotiated basis, wherever feasible when let in a Section 3 covered project area.
- F. To formally contact unions, subcontractors and trade associations, to secure their cooperation for this program.
- G. To insure that all appropriate project area business concerns are notified of pending contractual opportunities.
- H. To maintain records including copies of correspondence, memoranda, etc., which document that all of the above affirmative action steps have been taken.
- I. To appoint or recruit an executive official of the company or agency as Equal Opportunity Officer to coordinate the implementation of this Section 3 affirmative action plan.

/s/Brian J. Novak  
Town Council President

**Adjournment.** Councilor Kuiper moved that the special meeting be adjourned. Councilor Herak seconded. Upon a vote *viva voce*, the motion passed. The special Town Council meeting of **Monday, May 16, 2011** was adjourned at 7:14 O'clock p.m. The study session was convened immediately following this special meeting and is memorialized separately.

Michael W. Griffin, IAMC/MMC/CPFA  
Highland Town Clerk-Treasurer